Supreme Court, U. S.
FILED
MAY 5 1976
MICHAEL RODAK, JR., CLERK

No. 74-1650

IN THE

Supreme Court of the United States

OCTOBER TERM 1975

ENVIRONMENTAL PROTECTION AGENCY,
Petitioner,
v.
ST. JOE MINERALS CORPORATION,
Respondent.

On Petition For A Writ Of Certiorari To The
United States Court Of Appeals For The
Third Circuit

MEMORANDUM OF RESPONDENT, ST. JOE MINERALS CORPORATION, WITH REGARD TO NEW LEGAL DEVELOPMENTS CONCERNING THE MOOTNESS OF THIS CASE

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MEMORANDUM OF RESPONDENT, ST. JOE MINERALS CORPORATION, WITH REGARD TO NEW LEGAL DEVELOPMENTS CONCERNING THE MOOTNESS OF THIS CASE

At the time the Brief for Respondent, St. Joe Minerals Corporation, in Opposition to the Grant of the Petition of Certiorari in this matter was filed on or about July 30, 1975, we advised the Court that this matter appeared to be moot because the Environmental Quality Board of the Commonwealth of Pennsylvania had adopted on June 17, 1975 an amended regulation concerning sulfur oxides emissions from zinc smelters which was to become effective on August 10, 1975.

In due course the amended regulation became effective. Promptly thereafter Pennsylvania submitted the amended regulation to EPA as an amendment to the Pennsylvania Implementation Plan. On October 9, 1975 EPA published the amended regulation as a proposed amendment to the Pennsylvania Implementation Plan at 40 Fed. Reg. 47520. On April 23, 1976 EPA approved the amended regulation as an amendment to the Pennsylvania Implementation Plan. Notice of this approval was published in the Federal Register on April 30, 1976 at 41 Fed. Reg. 18077.

As we previously advised the Court, St. Joe Minerals Corporation agrees that the amended regulation is technically and economically feasible. In the light of the fact that the regulation which formed the subject matter of the controversy with regard to this case is no longer in effect at either the state or federal level, we submit that there is no longer any controversy between the parties over which this Court has jurisdiction and that the Petition for Certiorari should be dismissed as moot.

Respectfully submitted,

JOHN MCN. CRAMER

REED SMITH SHAW & MCCLAY
Attorneys for Respondent
St. Joe Minerals Corporation

Dated: May 4, 1975